

Appl. No. : 10/771,845
Filed : February 4, 2004

RECEIVED
CENTRAL FAX CENTER
JAN 04 2007

REMARKS

In the Office communication of December 7, 2006, the Examiner required restriction to one of the following inventions, considered patentably distinct under 35 U.S.C. § 121:

- I. Claims 41- 47, drawn to combination, classified in class 623, subclass 1.11.
- II. Claims 17-40, drawn to subcombination, classified in class 623, subclass 23.72.
- III. Claims 1- 16, drawn to method of use, classified in class 128, subclass 898.

Further, the Examiner asserted that this application contains claims directed to the following patentably distinct species:

Species 1: Figure 2a
Species 2: Figure 11c
Species 3: Figure 13
Species 4: Figure 15
Species 5: Figure 19
Species 6: Figure 21
Species 7: Figure 22a
Species 8: Figure 22b
Species 9: Figure 22c
Species 10: Figure 25
Species 11: Figure 33
Species 12: Figure 35
Species 13: Figure 37
Species 14: Figure 39
Species 15: Figure 42
Species 16: Figure 46
Species 17: Figure 47
Species 18: Figure 48
Species 19: Figure 49
Species 20: Figure 52
Species 21: Figure 54
Species 22: Figure 55

Best Available Copy

Appl. No. : 10/771,845
Filed : February 4, 2004

Species 23: Figure 57

Species 24: Figure 59

The Examiner required election of a single species upon election of one of the groups of inventions under 35 U.S.C. § 121 for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner identified Claims 1, 2, 17, 32 and 41 as generic.

Applicant elects, without traverse, to prosecute the claims directed to Invention III directed to the species identified by the Examiner as Species 1 (as illustrated in at least Figure 2a) in the present application. Applicant does not necessarily agree that Claims 1, 2, 17, 32 and 41 are the only generic claims, and believes that elected claims are generic to other cited species, such as at least species 2, 5, 6, 7, 8 and 9. Applicant also does not necessarily agree with the Examiner's identification of the 24 different species. Applicant reserves the right to pursue claims to Inventions I and II as well as claims to Species 2-24 in one or more future applications. Accordingly, Claims 17-47 are withdrawn from prosecution in the present application and have been canceled. The remaining pending claims for consideration, Claims 1-16, all read on the elected species.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1-4-07

By: 

Sabing H. Lee
Registration No. 43,745
Attorney of Record
Customer No. 20,995
(949) 760-0404

3249617_1
010307

Best Available Copy